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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HAUGHTON, ANTHONY MICHAEL

ART UNIT	PAPER NUMBER
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2835

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

10/824,883

Applicant(s)

TSE ET AL.

Examiner

Anthony M. Haughton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In claims 1 and 11 the applicant states a first and second fin that extends substantially along the entire length of the stand. The applicant also states a first and second gap along an edge of the second fin that extends substantially along the entire length of the stand. Applicant defines substantially as "largely but not wholly that which is specified". Merriam-Webster's online dictionary defines entirely as "to the full or entire extent". Since substantially cannot be wholly, and entirely is the full or entire extent, it is noted that neither the fins nor the gaps can extend substantially, and simultaneously extend the entire length of the stand, as claimed. Claims 1 and 11 are indefinite in that the terms "substantially" and "entirely" are contradictory by definition. Such contradiction makes the claims unclear.

4. Claim 1 recites the limitations "the first side" and "the second side" in lines 10 and 12, of the claim. There is insufficient antecedent basis for these limitations in the claim.

5. Claim 11 recites the limitations "the first side" and "the second side" in lines 9 and 11, of the claim. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7 and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (PN 5,870,284) in view of Tate (PN D279,283).

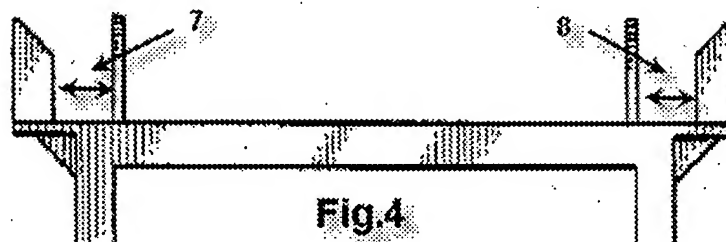
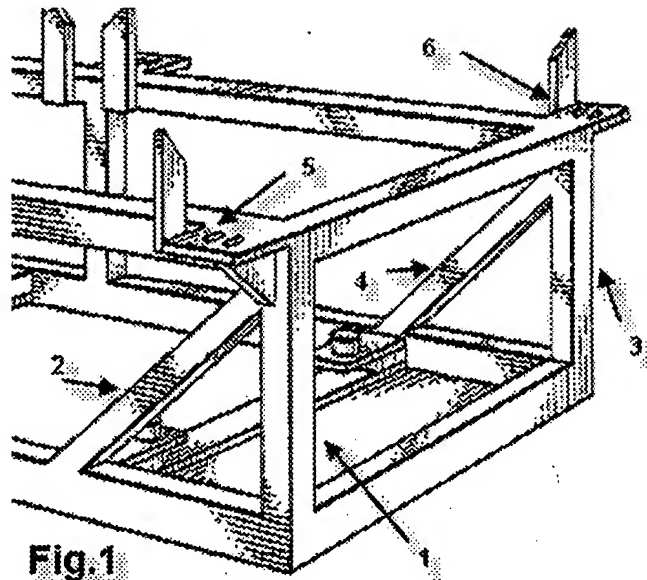
In Claim 1: Stewart teaches an output cord (141); and a stand (115 and 125), coupled to the output cord (the output cord is coupled to the stand by the module 140), the stand having a base (125), the power module (14) plugging into the stand allowing vertical heat dissipation along vertical surfaces of said power module (see col 22, 10-21).

Stewart lacks vertical members extending to corresponding fins extending away from the module in different directions and defining a gap. Tate teaches a power module support (with labeled elements shown below), having a first vertical piece (1) extending from the base to a first fin (5) that extends substantially along the entire length of the stand (substantially is given it's broadest reasonable meaning, and contradicts with the term entirely, therefore they can not both be used to describe an element of the invention, and for purposes of examination, since the disclosure does not show the element as extending the entire length of the stand it is being interpreted as

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substantially along the length of the stand) and extends out from the base away from the module (the module would be supported inside of the frame) in a first direction, and having a second vertical piece (3) extending from the base to a second fin (6) that extends substantially along the entire length of the stand and extends out from the base away from the module in a second direction, the power module plugging into the stand defining a first gap (7) along an edge of the first fin that is adjacent to the first side of the power module and extends substantially along the entire length of the stand (substantially is given it's broadest reasonable meaning, and contradicts with the term entirely, therefore they can not both be used to describe an element of the invention) and defining a second gap (8) along an edge of the second fin that is adjacent to the second side of the power module and extends substantially along the entire length of the stand, allowing vertical heat dissipation generated by the power module with air flow vertically through the first and second gaps and along respective substantially vertical surfaces of said power module. It would have been obvious to a person of ordinary skill in the electronic art to combine the power supply system of Stewart with the conventional power supply support of Tate for the benefit of a lightweight support frame having large windows for cooling air.

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In Claim 2: As best as it can be understood, Tate teaches wherein the stand comprises a third vertical piece (2) extending from the base to the first fin (5), a further vertical piece (4) extending from the base to the second fin (6), the first and third vertical pieces forming a first vane with an opening between the first and third vertical pieces, the second and fourth vertical pieces forming a second vane with an opening between the second and fourth vertical pieces.

In Claims 7 and 20: Stewart teaches wherein the power module (140) comprises a power converter (col 7, 2-3).

In Claim 10: Stewart teaches wherein an input power cord (142) is coupled to the stand (the input cord is coupled to the stand by the module 140).

In Claim 11: Stewart teaches an air fan (col 22, 10-21); and a stand (115, 125), coupled to the output cord (141 is coupled to the stand by the module 140), the stand having a base (125), the power module (14) plugging into the stand allowing vertical heat dissipation along vertical surfaces of said power module (see col 22, 10-21). Stewart lacks vertical members extending to corresponding fins extending away from the module in different directions and defining a gap. Tate teaches a first vertical piece (1) extending from the base to a first fin (5) that extends substantially along the entire length of the stand (substantially is given it's broadest reasonable meaning, and contradicts with the term entirely, therefore they can not both be used to describe an element of the invention, and for purposes of examination, since the disclosure does not show the element as extending the entire length of the stand it is being interpreted as substantially along the length of the stand) and is parallel to the base and having a second vertical piece (3) extending from the base to a second fin (6) that extends substantially along the entire length of the stand and is parallel to the base, the power module plugging into the stand for creating a first gap (7) along an edge of the first fin that is adjacent to the first side of the power module and extends substantially along the entire length of the stand (substantially is given it's broadest reasonable meaning, and contradicts with the term entirely, therefore they can not both be used to describe an element of the invention) and creating a second gap (8) along an edge of the second fin that is adjacent to the second side of the power module and extends substantially along the entire length of the stand, allowing vertical heat dissipation generated by the power module with air flow vertically through the first and second gaps and along respective

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substantially vertical surfaces of said power module. It would have been obvious to a person of ordinary skill in the electronic art to combine the power supply system of Stewart with the conventional power supply support of Tate for the benefit of a lightweight support frame having large windows for cooling air.

In Claim 12: Stewart teaches wherein the air fan is a replaceable unit (it is well known that the cooling fans used in the computer art are inherently replaceable).

In Claim 13: As best as it can be understood, the air fan is integrated into the stand (the air fan must assembled with the system to provide cooling air).

In Claim 14: As best as it can be understood, Tate teaches wherein the stand comprises a third vertical piece (2) extending from the base to the first fin (5), a further vertical piece (4) extending from the base to the second fin (6), the first and third vertical pieces forming a first vane with an opening between the first and third vertical pieces, the second and fourth vertical pieces forming a second vane with an opening between the second and fourth vertical pieces.

In Claims 3 and 15: Stewart teaches wherein the stand comprises a male socket (1715), the power module having a female socket (2300) connected to the mail socket of the stand (col 12, 17-21).

In Claims 4 and 16: Stewart is silent regarding the reversal of male and female connectors. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Gazda 104 USPQ 400 (CCPA 1955). It would have been obvious to a person of ordinary skill in the art to place the male

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conductor on the power module and the female conductor on the stand for the benefit of protecting the contacts of the stand connector from damage during assembly.

In Claims 5 and 17: Stewart is silent regarding a reel section for winding. It is old and well known to use a winding reel to store an electrical cord. It would have been obvious to a person of ordinary skill in the art to combine a well known reel for winding the input cord for the benefit of storing the cord as part of the stand when it is not in use making it easier to move and preventing the cable from knotting or becoming tangled.

In Claims 6 and 18: Stewart teaches wherein the base (125) of the stand has a footprint that provides stability for vertically mounting the power module (see figure 1).

In Claim 19: Stewart teaches an output cord (141) coupled to the stand (the output cord is coupled to the stand by the module 140).

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (PN 5,870,284) and Tate (PN D279,283) as applied to claim 1 above, and further in view of Muller et al. (US Pub 2005/0162832).

Considering Claims 8 and 9: Stewart and Tate lack any teaching of a power generator or fuel cell. Muller teaches using a fuel cell (10) to generate energy for a personal computer (see [0004]). It would have been obvious to a person of ordinary skill in the computer art to replace the power converter of Stewart with a fuel cell as suggested by Muller for the benefit of a portable computer able to power itself without a connection to a power grid.

Response to Amendment

9. With regard to the 112 written description rejection of claims 2 and 14 the applicant's arguments have been fully considered and are persuasive. The 112 rejections of claims 2 and 14 are withdrawn. The remainder of the applicant's arguments have been fully considered, but they are not persuasive.

10. With respect to the Applicant's amendment of claims 1 and 11, by replacing the term "length" with the phrase "entire length" the claim now contains contradictory terms, "substantially" and "entire length". Therefore these two terms cannot be used to describe one element simultaneously, and the claims are rendered indefinite as described in the 35 U.S.C. 112 rejections above.

11. With respect to the Applicant's arguments concerning the term "substantially", the definition provided by the Applicant does not eliminate the presence of relative terminology in the claims. The Examiner must give these relative terms their broadest reasonable definition when determining patentability. Therefore the rejection is considered proper and maintained.

12. With respect to the Applicant's arguments concerning Tate not teaching fins or gaps that extend largely but not wholly along the entire length of the stand, Tate teaches the fins and gaps extending largely but not wholly with respect to a portion of the stand. The Examiner must give these relative terms their broadest reasonable definition when determining patentability. Therefore the rejection is considered proper and maintained.

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13. Since the Applicant has amended claim 11 as described above for claim 1, claim 11 is also rejected in a similar manner as well as all claims dependent therefrom.

Conclusion


14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Searby, Tom J. (US – 5,523,917)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony M. Haughton whose telephone number is 571-272-9087. The examiner can normally be reached on 8:30 - 6:00 EST 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMH


LISA LEA-EDMONDS
PRIMARY EXAMINER